

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 24-162

BY SENATOR(S) Marchman and Winter F., Bridges, Buckner, Cutter, Exum, Fields, Jaquez Lewis, Kolker, Michaelson Jenet, Priola; also REPRESENTATIVE(S) Bacon and Herod, Amabile, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Duran, Froelich, Garcia, Hamrick, Hernandez, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Ortiz, Ricks, Rutinel, Sirota, Story, Titone, Valdez, Velasco, Vigil, Weissman, Young, McCluskie.

CONCERNING BEST PRACTICES FOR RESPONDING TO DISCRIMINATORY CONDUCT IN SCHOOLS, AND, IN CONNECTION THEREWITH, DEVELOPING TRAINING CONSISTENT WITH THE BEST PRACTICES AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-1-143, **amend** (4) introductory portion and (4)(a); and **add** (1)(b.5), (1)(e.5), (4.2), and (8) as follows:

22-1-143. Harassment or discrimination - policy required - training and notification - definitions. (1) As used in this section, unless the context otherwise requires:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b.5) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(e.5) "OFFICE OF SCHOOL SAFETY" MEANS THE OFFICE OF SCHOOL SAFETY CREATED IN SECTION 24-33.5-2702.

(4) Beginning WITH THE TRAINING CONDUCTED FOR EMPLOYEES FOR THE 2025-26 SCHOOL YEAR, BUT BEGINNING no later than ~~July 1, 2024~~ DECEMBER 31, 2025, each public school shall provide training to all employees about harassment and discrimination. Each new employee of a public school ~~must~~ SHALL complete training upon hiring and at least every three years thereafter; except that an employee ~~must~~ SHALL complete training when transferring from a position working with elementary school-aged students to a position working with secondary school-aged students, or transferring from a position working with secondary school-aged students to a position working with elementary school-aged students. The training must be provided during the employee's normal working hours. TRAINING PROVIDED ON AND AFTER AUGUST 1, 2025, MUST BE CONSISTENT WITH THE BEST PRACTICES DEVELOPED PURSUANT TO SUBSECTION (8) OF THIS SECTION. A PUBLIC SCHOOL MAY USE THE TRAINING DEVELOPED AND MADE AVAILABLE TO SCHOOLS PURSUANT TO SUBSECTION (8)(h) OF THIS SECTION. The training must include, at a minimum, instruction on the following:

(a) Recognizing harassment or discrimination, including indicators of grooming and child sexual abuse, AND DISTINGUISHING HARASSMENT AND DISCRIMINATION FROM BULLYING;

(4.2) THE TRAINING FOR EMPLOYEES WHO HAVE DIRECT SUPERVISION OF STUDENTS DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION MUST INCLUDE INSTRUCTION THAT IS SPECIFIC BASED ON WHETHER THE EMPLOYEE IS SUPERVISING ELEMENTARY SCHOOL-AGED STUDENTS OR SECONDARY SCHOOL-AGED STUDENTS.

(8) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH AN ORGANIZATION TO DEVELOP BEST PRACTICES FOR LOCAL EDUCATION PROVIDERS, INCLUDING PUBLIC SCHOOLS, TO EFFECTIVELY RESPOND TO REPORTS OF HARASSMENT OR DISCRIMINATION.

(b) THE DEPARTMENT SHALL CONVENE AN EVALUATION COMMITTEE TO SELECT THE ORGANIZATION. THE COMMISSIONER OF EDUCATION SHALL DETERMINE THE COMPOSITION OF THE COMMITTEE; EXCEPT THAT THE EVALUATION COMMITTEE MUST INCLUDE:

(I) TWO REPRESENTATIVES WHO EACH REPRESENT A SCHOOL DISTRICT, ONE OF WHOM REPRESENTS A RURAL SCHOOL DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(II) TWO PERSONS WHO REPRESENT AN ORGANIZATION THAT ADVOCATES FOR STUDENTS WHO FACE HARASSMENT OR DISCRIMINATION, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(III) TWO PERSONS WITH LIVED EXPERIENCE OF HAVING FACED HARASSMENT OR DISCRIMINATION, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(IV) TWO STUDENTS WHO ARE IN GRADES SEVEN THROUGH TWELVE, ONE OF WHOM ATTENDS SCHOOL IN A RURAL SCHOOL DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION; AND

(V) TWO REPRESENTATIVES FROM THE OFFICE OF SCHOOL SAFETY, APPOINTED BY THE DIRECTOR OF THE OFFICE OF SCHOOL SAFETY.

(c) THE ORGANIZATION SELECTED PURSUANT TO THIS SUBSECTION (8) MUST HAVE EXPERIENCE IN K-12 EDUCATION, HAVE EXPERTISE IN TRAUMA-INFORMED RESPONSES TO HARASSMENT OR DISCRIMINATION FOR K-12-AGED STUDENTS, AND HAVE EXPERTISE IN THE MINIMUM TRAINING TOPICS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(d) THE SELECTED ORGANIZATION SHALL DEVELOP BEST PRACTICES FOR THE FOLLOWING:

(I) NOTIFICATIONS BY SCHOOLS AND LOCAL EDUCATION PROVIDERS TO STUDENTS AND PARENTS OF HARASSMENT OR DISCRIMINATION POLICIES AND PROCEDURES;

(II) HOW EMPLOYEES ACCEPT AND RESPOND TO REPORTS OF HARASSMENT OR DISCRIMINATION;

(III) IMPLEMENTING TRAUMA-INFORMED RESPONSES TO STUDENTS;
AND

(IV) TRAINING FOR EMPLOYEES ABOUT THEIR RESPONSIBILITIES WHEN RESPONDING TO HARASSMENT OR DISCRIMINATION, INCLUDING DISTINGUISHING BETWEEN BULLYING AND HARASSMENT OR DISCRIMINATION, WHEN POSSIBLE.

(e) THE BEST PRACTICES DEVELOPED PURSUANT TO THIS SUBSECTION (8) MUST BE ALIGNED WITH THE GOAL OF A LOCAL EDUCATION PROVIDER OR SCHOOL CONDUCTING EFFECTIVE AND IMPARTIAL INVESTIGATIONS OF REPORTS OF HARASSMENT OR DISCRIMINATION AND COMPLY WITH THE REQUIREMENTS FOR THE TRAINING DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

(f) WHEN DEVELOPING THE BEST PRACTICES DESCRIBED IN SUBSECTION (8)(d) OF THIS SECTION, THE SELECTED ORGANIZATION SHALL EVALUATE A SAMPLE OF SCHOOL HARASSMENT OR DISCRIMINATION POLICIES ADOPTED BY VARIOUS SCHOOLS NATIONWIDE AND SOLICIT AND CONSIDER INPUT FROM SCHOOLS AND LOCAL EDUCATION PROVIDERS STATEWIDE; THE DEPARTMENT; AND THE OFFICE OF SCHOOL SAFETY. THE SELECTED ORGANIZATION SHALL ALSO CONSIDER THE RESOURCES OF RURAL SCHOOLS AND LOCAL EDUCATION PROVIDERS. UPON REQUEST OF THE ORGANIZATION, THE DEPARTMENT SHALL ASSIST THE ORGANIZATION IN SOLICITING FEEDBACK FROM SCHOOLS AND LOCAL EDUCATION PROVIDERS.

(g) (I) ON OR BEFORE DECEMBER 31, 2024, THE ORGANIZATION SHALL SUBMIT A REPORT TO THE DEPARTMENT, THE OFFICE OF SCHOOL SAFETY, AND THE HOUSE OF REPRESENTATIVES EDUCATION COMMITTEE AND THE SENATE EDUCATION COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE AN EXPLANATION OF THE BEST PRACTICES DEVELOPED PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION AND ANY OTHER RELEVANT RECOMMENDATIONS OF THE ORGANIZATION. THE DEPARTMENT SHALL POST THE REPORT ON ITS WEBSITE AND PROVIDE THE REPORT TO EACH LOCAL EDUCATION PROVIDER.

(II) THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203 THAT OCCURS DURING THE 2025 REGULAR LEGISLATIVE SESSION, INFORMATION CONCERNING THE ORGANIZATION'S REPORT.

(h) THE ORGANIZATION SHALL DEVELOP A HARASSMENT OR DISCRIMINATION TRAINING PROGRAM FOR USE BY SCHOOLS. THE TRAINING PROGRAM MUST BE CONSISTENT WITH THE BEST PRACTICES DEVELOPED BY THE ORGANIZATION PURSUANT TO THIS SUBSECTION (8) AND COMPLY WITH THE REQUIREMENTS FOR THE TRAINING DESCRIBED IN SUBSECTION (4) OF THIS SECTION. ON OR BEFORE APRIL 1, 2025, THE ORGANIZATION SHALL PROVIDE THE TRAINING PROGRAM MATERIALS TO THE DEPARTMENT. THE DEPARTMENT SHALL MAKE THE TRAINING PROGRAM MATERIALS AVAILABLE TO PUBLIC SCHOOLS AT NO COST TO THE SCHOOL.

(i) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, DEVELOPING BEST PRACTICES TO EFFECTIVELY RESPOND TO REPORTS OF HARASSMENT OR DISCRIMINATION, AS DESCRIBED IN THIS SUBSECTION (8), IMPROVES STUDENT SAFETY AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(j) THE DEPARTMENT SHALL NOT USE MORE THAN TEN PERCENT OF THE MONEY APPROPRIATED TO DEVELOP BEST PRACTICES TO EFFECTIVELY RESPOND TO REPORTS OF HARASSMENT OR DISCRIMINATION, AS DESCRIBED IN THIS SUBSECTION (8), FOR THE ADMINISTRATIVE COSTS INCURRED RELATED TO DEVELOPING THE BEST PRACTICES.

SECTION 2. Appropriation. For the 2024-25 state fiscal year, \$111,111 is appropriated to the department of education for use by management and administration. This appropriation is from the state education fund created in section 17 (4) of article IX of the state constitution. To implement this act, the department may use this appropriation for training for local education providers on responding to harassment and discrimination reports.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO